

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 1899 – SB 1904**

March 11, 2018

**SUMMARY OF ORIGINAL BILL:** Prohibits an employer from discriminating against an employee or an applicant for employment on the basis of disability when a reasonable accommodation can be made. Requires an employer to provide a reasonable accommodation to the applicant or employee unless the accommodation would impose a direct threat or create an undue hardship on the operation of the business of the employer. Establishes procedures and remedies for disability discrimination claims.

**FISCAL IMPACT OF ORIGINAL BILL:**

NOT SIGNIFICANT

**IMPACT TO COMMERCE OF ORIGINAL BILL:**

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (014491):** Deletes all language after the enacting clause. Requires members of the General Assembly to safeguard individuals within this state from discrimination based on a disability in connection with employment, public accommodations and housing.

Establishes that it is a discriminatory practice for an employer to fail or refuse to hire or discriminate against an individual with respect to compensation, terms, conditions or privileges of employment because of an individual's disability.

Prohibits an employer from limiting, segregating or classifying an employee or applicants for employment in any way that would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee, because of an individual's disability.

Requests the code commission transfer Tenn. Code Ann. §§ 8-50-103 and 8-50-104, regarding the employment of the disabled, to Tenn. Code Ann. § 4-21-4, and make all applicable cross-referencing changes that occur throughout code.

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## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 4-21-306(a)(1)-(7), remedies for disability discrimination claims include payment to an individual for humiliation and embarrassment caused by the discriminatory practice as well as reasonable attorney's fees and back pay.
- Any impact on state and local governments associated with these remedies is estimated to be not significant as it is assumed that state and local governments will comply with the requirements of the proposed legislation.
- Passage of this legislation may result in an increase in complaints that will be investigated by the Human Rights Commission (HRC) and the Department of Human Resources (DHR). However, any such increase can be accommodated within existing resources of the two entities and will not result in a significant increase in state expenditures.

## **IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumption for the bill as amended:

- This legislation is estimated to have no significant impact on jobs or commerce in Tennessee.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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